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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner:
Fred J. Molz IV)	Javier G. Blanco
)	
Serial No.: 10/757,819)	Group Art Unit: 3774
)	
Filed: January 15, 2004)	Attorney Docket: MSDI-667/
)	PC860.00
)	
SPINAL IMPLANT CONSTRUCT AND)	
METHOD FOR IMPLANTATION)	

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated February 26, 2008, please enter and consider the following amendments and remarks. The Applicant notes that the three (3) month period for responding to the non-final Office Action was May 26, 2008, which fell on a federal holiday, thereby extending the response period to May 27, 2008 (the first business day after May 26, 2008). Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

May 27, 2008

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

May 27, 2008

Date of Signature

INTRODUCTORY COMMENTS

Claims 3-24, 27-34, 63-71, 73-85 and 87-90 were pending in the subject application for the non-final Office Action dated February 26, 2008. Claims 4, 5 and 16 have been withdrawn from consideration as being drawn to a non-elected species of the invention. The remaining claims have been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.